

sioners of this Court in the City of Baltimore, to be read in evidence at the hearing of this matter on giving two days' notice as usual.

Nothing having been done under this order, the case was, on the 28th November, 1827, ordered to stand for hearing at the then next December Term, unless cause was shewn to the contrary; and no cause having been shewn, the case was brought before the Court for a final decision.

BLAND, C., 20th February, 1828.—This case standing ready for hearing and having been submitted, without argument or notes, the proceedings were read and considered.

The bill charges, that the deed of the 15th of June, 1824, was obtained by combination and fraud; which of itself, if true, would afford a sufficient ground for the relief prayed. But this allegation is especially bottomed upon the statement, that at the time the deed was executed, the plaintiff had been deprived of her intellectual faculties; and that she was then in truth entirely *non compos mentis*; either from great age, or by reason of the disorder under which she was then suffering. She makes her own incapacity the chief basis of her prayer for relief. But, according to a maxim of the English law, no man can be allowed to stultify himself for the purpose of avoiding his own deed. *Beverley's Case*, 4 Co. 123. If we are bound by this maxim; and it be an established principle of our law, it is evident, that everything in this case, which can be considered as at variance with it, must be rejected; and we must be confined to that alone which relates to the allegations of fraud, in total exclusion of everything respecting the plaintiff's personal disability occasioned by her alleged insanity.

The application of this maxim to this case, therefore, meets us here, as a preliminary inquiry. Can the unfortunate or afflicted party himself make his own insanity a foundation of relief or defence? Is it a principle or maxim of the law of Maryland, "that no man of full age shall be, in any plea to be pleaded by him, received by the law to stultify himself, and disable his own person?" *Beverley's Case*, 4 Co. 123. I have not been able to find any adjudged case, or other respectable authority, shewing in what manner this maxim has been received; or whether it has ever been adopted or rejected \* in this State. Therefore, whether it ought to be now received, or rejected, must depend upon **377** the nature of the reasons and the policy by which it is sustained.

In England, it is said, that the progress of this notion is somewhat curious; and although it has been handed down as settled law, yet, that later opinions, feeling the inconvenience of the rule, have in many points endeavored to restrain it. 2 *Blac. Com.* 291;